



NEWINGTON TOWN PLAN AND ZONING COMMISSION

PUBLIC HEARING and REGULAR MEETING

Wednesday, February 12, 2014

Town Hall Conference Room L-101, Lower Level

131 Cedar Street, Newington, CT 06111

7:00 p.m.

A G E N D A

I. ROLL CALL AND SEATING OF ALTERNATES

II. APPROVAL OF AGENDA

III. PUBLIC HEARINGS:

- a. Petition #47-13: Zoning Text Amendment (New Section 6.15: Medical Marijuana). Town Plan and Zoning Commission, applicant. Continued from January 22, 2014.
- b. Petition #62-13: Zoning Text Amendment (Section 3.11.7: Fueling Station). Hayes-Kaufman Newington Associates LLC, applicant; Attorney Mark S. Shipman, 20 Batterson Park Road, Farmington CT, contact. Continued from January 22, 2014.
- c. Petition #05-14: Special Exception (Section 3.2.8: Charitable and Civic Events) at Newington Municipal Parking Lot. Newington Kiwanis Club, applicant.

IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

V. REMARKS BY COMMISSIONERS

VI. MINUTES:

- a. January 22, 2014

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2014 FEB -5 P 3:10

BY *Tanya D. Lane*
TOWN CLERK

VII. NEW BUSINESS:

a. Petition #04-14: Review and Comment on Proposed LID Amendments to the Inland Wetlands and Watercourses Regulations. Conservation Commission, applicant.

VIII. OLD BUSINESS

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

X. TOWN PLANNER REPORTS:

a. Town Planner Report for February 12, 2014

XI. COMMUNICATIONS

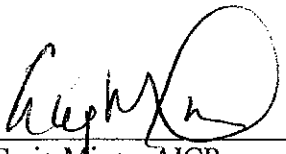
XII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

XIII. REMARKS BY COMMISSIONERS

XIV. CLOSING REMARKS BY THE CHAIRMAN

XV. ADJOURN

Submitted,



Craig Minor, AICP
Town Planner

STAFF REPORT
Medical Marijuana Zoning Amendment

February 4, 2014

Petition #47-13

**Text Amendment for New Section 6.15 (Medical Marijuana Dispensing and Production)
Town Plan and Zoning Commission, applicant**

Description of Petition #47-13:

The Connecticut legislature recently adopted Public Act 12-55, which allows the production (growing and processing) and the dispensing of medical marijuana after obtaining the appropriate license from the Connecticut Department of Consumer Protection. Patients who are receiving treatment for a debilitating medical condition (cancer, glaucoma, HIV/AIDS, Parkinson's disease, multiple sclerosis, damage to the spinal cord, epilepsy, cachexia, wasting syndrome, Crohn's disease, and PTSD) will be able to register with the State and purchase medical marijuana from a licensed dispensary.

Newington's zoning regulations are silent on the production and dispensing of medical marijuana, so a zoning amendment has been proposed by TPZ to regulate medical marijuana production and dispensing in Newington.

Town Planner Comments:

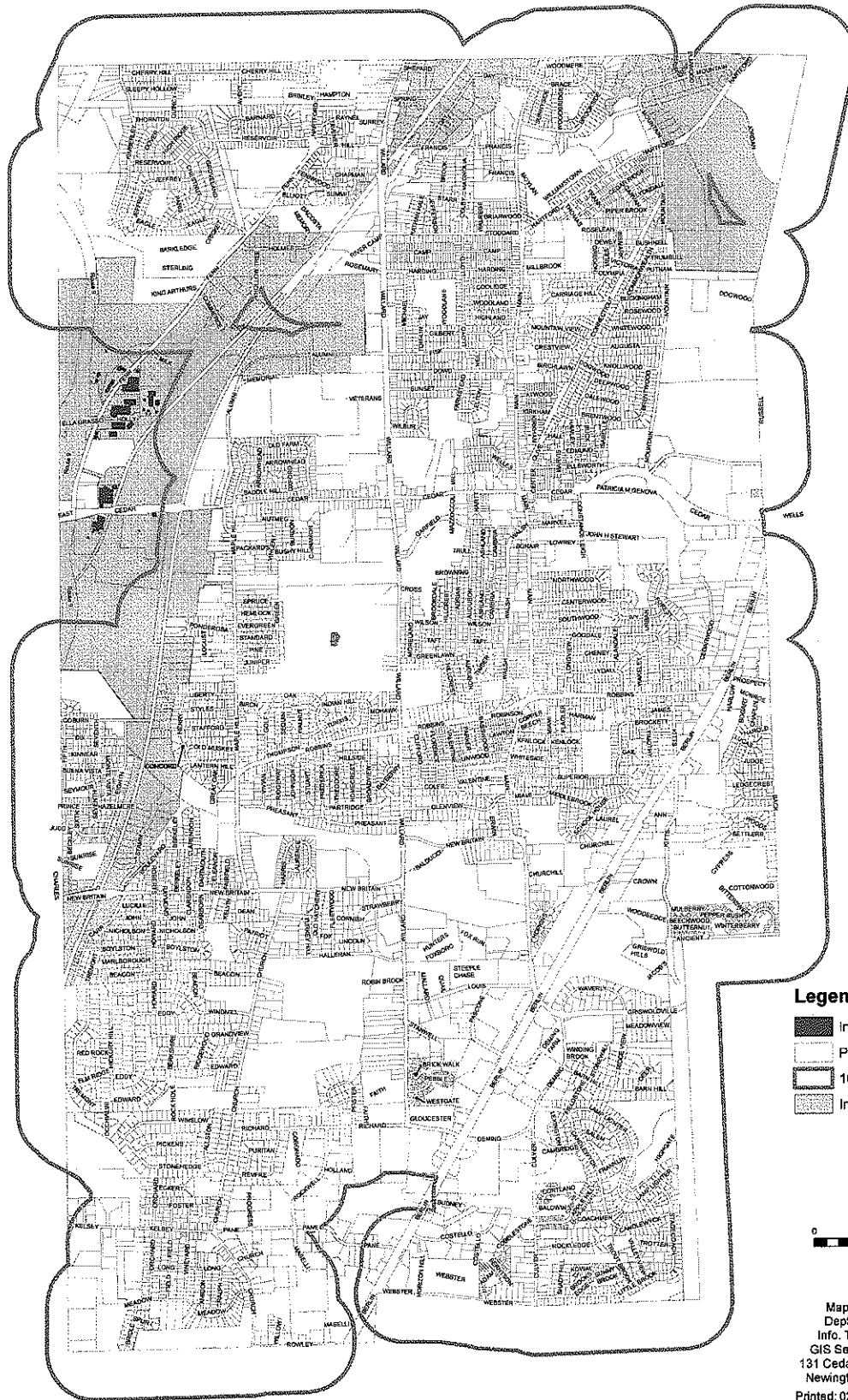
As requested by TPZ at the previous hearing, I asked the GIS department to prepare two separate maps: one showing all Industrial-zoned parcels with a 100 ft setback from residential zone boundaries and churches, schools and playgrounds (where Production would be allowed), and a second map with 1000 ft setback (where Dispensing would be allowed). Existing buildings and street names were also added.

At the last TPZ meeting Commissioner Anest asked if a production facility had to be enclosed. Yes, according to The Regulations of Connecticut State Agencies: "Production Facility" is defined as "a secure, indoor facility". Commissioner Serra asked if parking lots need to be secured. No, according to the Regulations, but production and dispensing facilities must have "Video cameras in all areas that may contain marijuana and at all points of entry and exit, which shall be appropriate for the normal lighting conditions of the area under surveillance."





The Regulations also state that the Department of Consumer Protection must consider whether the proximity of a proposed facility "will have a detrimental effect upon any place used primarily for religious worship, public or private school, convent, charitable institution, whether supported by private or public funds, hospital or veterans' home or any camp or military establishment".

cc:
file

Medical Marijuana Distribution Buffer Zones



Legend

-  Industrial Buildings beyond setback
-  Parcels
-  1000 Foot Buffer
-  Industrial Zone

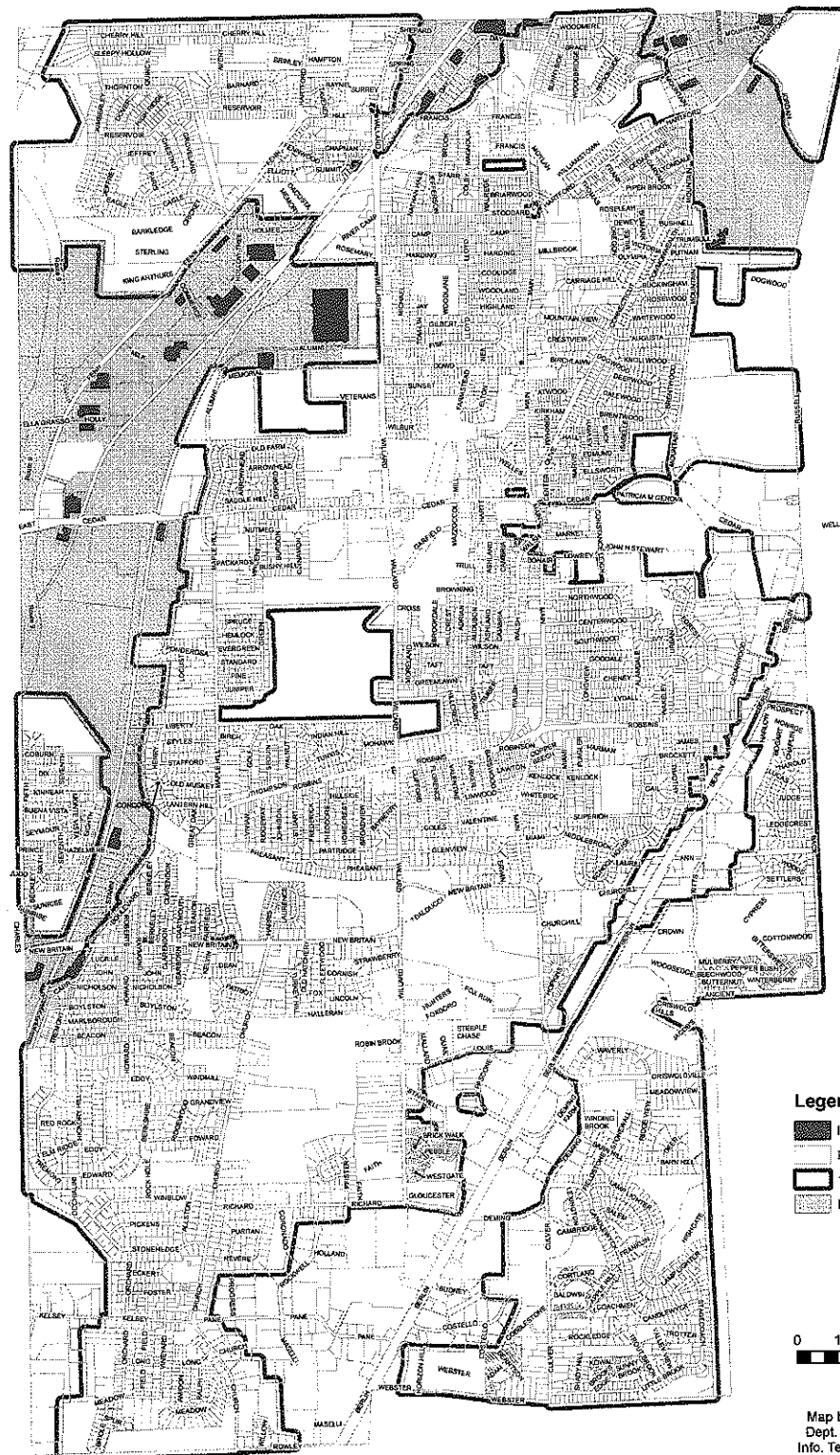


0 1,000 2,000 3,000
Feet

Map by
Dept. of
Info. Tech.
GIS Services
131 Cedar Street
Newington, CT
Printed: 02/04/2014



Medical Marijuana Production Buffer Zones



Legend

- Industrial Building $\geq 25,000$ sq. ft.
- Parcels
- 100 Foot Buffer
- Industrial Zone



0 1,000 2,000 3,000
Feet

Map by
Dept. of
Info. Tech.
GIS Services
131 Cedar Street
Newington, CT
Printed: 02/04/2014



STAFF REPORT
Shopping Center Fueling Station Text Amendment

February 4, 2014

Petition #62-13

Text Amendment to Section 3.11.7 (Shopping Center Fueling Station)

Hayes-Kaufman Newington Associates LLC, applicant; Attorney Mark S. Shipman, contact

Description of Petition #62-13:

The owners of the Stop & Shop plaza on Fenn Road would like to amend the zoning regulations for fueling stations in shopping centers. This amendment contains two provisions:

1. It would allow a fueling station on land that "abuts and is adjacent to" a shopping center, instead of only being on land that is "located within a shopping center".

2. A fueling station is a "motor vehicle service use" and therefore subject to Section 6.11. The applicant feels that the façade and minimum lot size requirements should not apply to a fueling station, so this amendment exempts fueling stations from Sections 6.11.6 and 6.11.8:

- 6.11.6 The façade of the building shall be a combination of brick, split face block or dryvit. Wall signage shall be uniform in size, design and lighting. The architectural style and design shall provide for a good appearance and blend harmoniously with adjacent buildings, and shall be approved by the Commission.
- 6.11.8 The minimum lot area for a parcel containing an auto-related use or a motor vehicle service use shall not be less than one (1) acre. Such uses may be combined with other commercial uses when the total parcel size is not less than three (3) acres.

Town Planner Comments:

I have no objection to the substance of this petition, but I do have some organizational comments.

Now that portions of Section 6.11 ("Sale, Rental, Service or Storage of Motor Vehicles") have been found inappropriate by the Court, I no longer recommend moving Section 3.11.7 into Section 6.11. But since gas stations are not allowed in the B zone, this section should be taken out of Section 3.11 (Special Exceptions in the B Zone) and put into the sections where they are allowed: Section 3.15 (Special Exceptions in the B-BT Zone), Section 3.17 (Special Exceptions in the I Zone), and Section 3.19 (Special Exceptions in the PD Zone).

cc:
Attorney Mark Shipman
file



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: Constitution Square ZONE: B-TC
APPLICANT: Kiwanis Club of NgtN TELEPHONE: 860-669-1993
ADDRESS: _____ EMAIL: _____
CONTACT PERSON: W. G. Hall TELEPHONE: 860-859-1579
ADDRESS: 37 Pepper Bush Lane EMAIL: whall1222@AOL
OWNER OF RECORD: Cathleen B. Hall

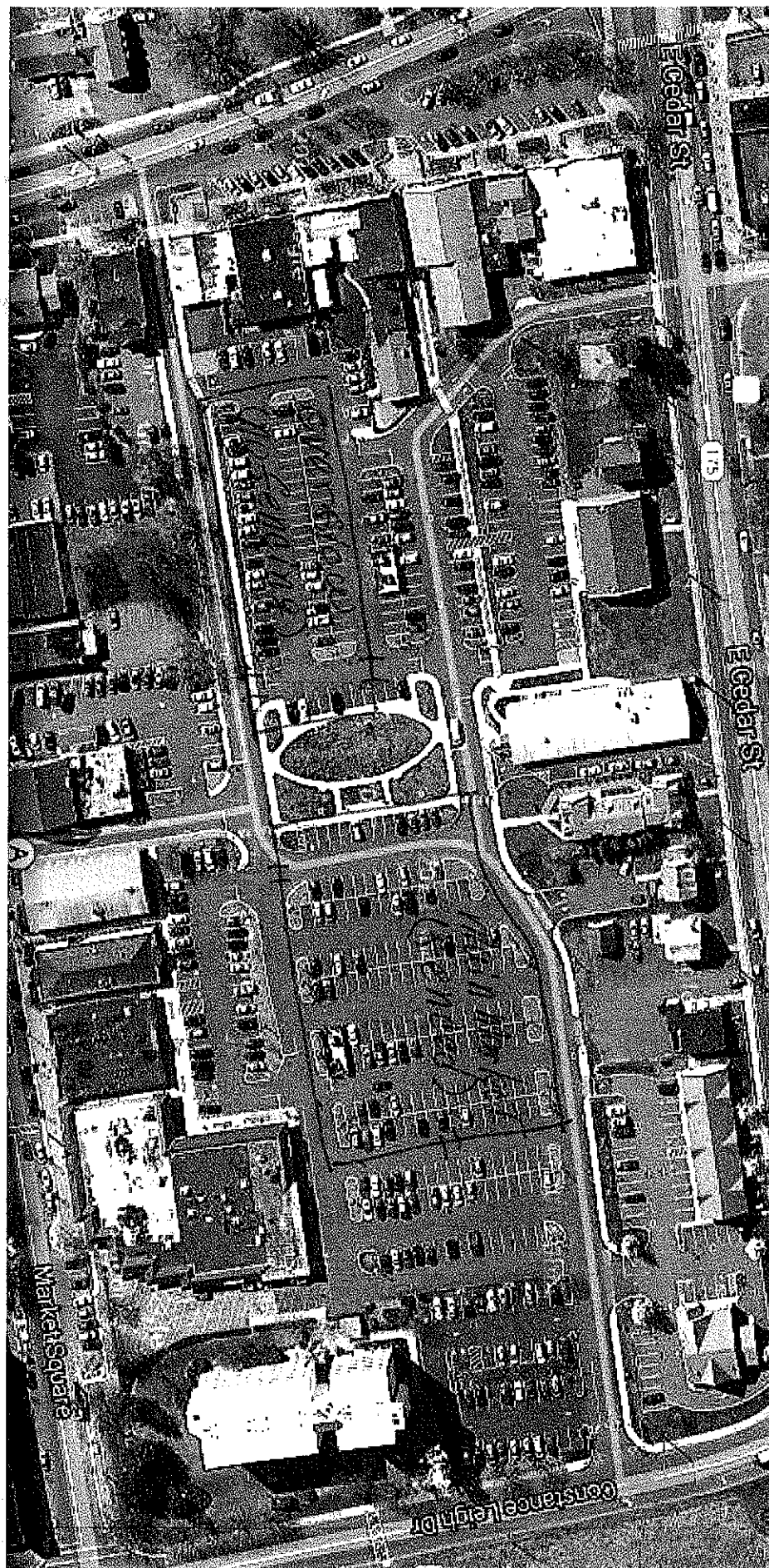
THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- ☐ Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- ☐ Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- ☐ Subdivision
- ☐ Resubdivision (Public Hearing required).
- ☒ Special Exception per Section 9.2.8 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- ☐ Site Plan Approval or Modification

☐ Other (describe in detail, or attach): KCN wishes to continue its operation of the Big K Flea Market for the benefit of area charities. Please wave
SIGNATURE: William G. Hall, vice-president all fees.
William G. Hall 1/24/14 _____
APPLICANT DATE OWNER DATE

COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

NOTE:
PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION. APPLICANTS PROPOSING TO BUILD, MODIFY EXISTING SITE PLANS, CHANGE OR ADD TO BUILDING ELEVATIONS OR PLACE SIGNAGE ON THE PROPERTY ARE RESPONSIBLE FOR SECURING THE NECESSARY APPROVALS FROM THE ECONOMIC DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.



To: Newington Town Planning and Zoning Commission

From: Kiwanis Club of Newington, Inc.

Subject: Application for renewal of permission to use
Constitution Square to conduct the Kiwanis Club of
Newington's Big K Flea Market

Commissioners:

The Kiwanis Club of Newington respectfully requests your permission to continue its use of Constitution Square to conduct its Big K Flea Market.

The purpose of the flea market is to raise funds to benefit Newington area organizations and worthy projects both municipal and private. Some of the recipients in the past and almost annually are:

- Scholarships to the Newington High School Key Club members and the alternative education program totaling \$6,500 per year. They are the principal beneficiary.
- Southfield Children's Center at Southfield Apartments totaling \$18,000 over the past ten years.
- Newington Student Assistance Fund in the thousands over the past twenty-two years.
- New Britain Corps of the Salvation Army, totaling \$10,000 over the past ten years.
- Newington Girls' and Boys' State of the American Legion in the thousands since 1950.
- Boy Scout troops of Newington in the hundreds.
- Newington Memorial Day Parade Committee, totaling over \$30,000 since 1992.
- Newington Human Services' Food Bank, totaling over \$20,000 since 2004.
- Connecticut Children's Medical Center Cranial/Facial Dept., totaling \$2,500 since 2006.

Our public relations effort in Connecticut media brings shoppers and vendors to Newington from all over the state and from nearby Massachusetts, New York and Rhode Island. NBC30 and WDRC have covered our openings, bringing recognition to Newington as a civic-minded town.

Kiwanis Club members who share a desire to serve the town are volunteer workers at the market, arriving as early as six AM to

STAFF REPORT
Kiwanis Flea Market Special Exception

February 6, 2014

Petition #05-14

**Special Exception (Section 3.2.8: Charitable and Civic Events)
Town Center Municipal Parking Lot "(Constitution Square)"
Newington Kiwanis Club, applicant**

Description of Petition #05-14:

This "flea market" has been conducted by the Newington Kiwanis since 1992. By my records it was first approved by TPZ in 2008 for that year and the next three years, but the Kiwanis did not come back to TPZ for re-approval in 2012 or 2013.

The event takes place in Constitution Plaza (the Town Center municipal parking lot) and attracts vendors and shoppers from Connecticut, New York, Massachusetts and Rhode Island. The Kiwanis plan to fence-off roughly one-half of the eastern portion of the parking lot, and occupy roughly one-third of the western half (unfenced). There will be approximately two food vendors. The Kiwanis will provide portable toilets and additional trash barrels.

The event will run on ten Sundays in the spring (from April 27, 2014 through June 29, 2014) and ten Sundays in the fall (from August 31, 2014 to October 26, 2014). Hours of operation are from mid-morning until 2 pm.

Town Planner Comments:

The applicants have also applied for "Event Application" approval from the Town, so this event will be closely examined by each involved department head before the Town Manager approves it.

I have no concerns at this time.

cc:
William Hall
✓ file

STAFF REPORT
Inland Wetlands Regulations - Low Impact Development

February 4, 2014

Petition #04-14:

**Review and Comment on Proposed IW Regulation Amendments
Newington Conservation Commission, owner/applicant**

Description of Petition #04-14:

The Conservation Commission would like to add "Low Impact Development" language to the Inland Wetland regulations. Section 427-4 of the Newington Code of Ordinances states that,

Not less than 35 days prior to the public hearing, a copy of the regulations or amendments thereto shall be referred to the Town Council, the Plan and Zoning Commission and the State of Connecticut Department of Environmental Protection for review and comment.

The changes can be summarized as follows:

1. Under "Definitions", add a definition of "low impact development techniques";
2. Under "Application Requirements", add a reference to "low impact development" to the application purpose and description statement;
3. Under "Considerations for Decision", add that the Commission shall take into consideration "low impact development techniques";
4. Under "Action by Duly Authorized Agent", add language giving the Agent authority to approve the installation and maintenance of low impact development techniques;
5. Various editorial changes, such as changing "DEP" to "DEEP".

Town Planner's Comments:

This changes are minor and do not conflict with any of the changes proposed to the Zoning Regulations and the Subdivision Regulations.

cc:
Town Engineer
file

STAFF REPORT
Inland Wetlands Regulations - Low Impact Development

February 4, 2014

Petition #04-14:
Review and Comment on Proposed IW Regulation Amendments
Newington Conservation Commission, owner/applicant

Description of Petition #04-14:

The Conservation Commission would like to add "Low Impact Development" language to the Inland Wetland regulations. Section 427-4 of the Newington Code of Ordinances states that,

Not less than 35 days prior to the public hearing, a copy of the regulations or amendments thereto shall be referred to the Town Council, the Plan and Zoning Commission and the State of Connecticut Department of Environmental Protection for review and comment.

The changes can be summarized as follows:

1. Under "Definitions", add a definition of "low impact development techniques";
2. Under "Application Requirements", add a reference to "low impact development" to the application purpose and description statement;
3. Under "Considerations for Decision", add that the Commission shall take into consideration "low impact development techniques";
4. Under "Action by Duly Authorized Agent", add language giving the Agent authority to approve the installation and maintenance of low impact development techniques;
5. Various editorial changes, such as changing "DEP" to "DEEP".

Town Planner's Comments:

This changes are minor and do not conflict with any of the changes proposed to the Zoning Regulations and the Subdivision Regulations.

cc:
Town Engineer
file



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Craig Minor, Town Planner *CM*
Date: February 7, 2014
Re: Town Planner Report of February 12, 2014

-
1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:** None.
 2. **Old Performance Bonds held by Town:** Nothing substantial to report, since it is winter and most of the outstanding bond items are landscaping-related, but there has been some progress on a few items. I will have an updated Performance Bond spreadsheet at the meeting.
 3. **Newington Junction TOD Planning:** Nothing new to report; we are now waiting for the consultant to submit their final report based on input from the TOD Committee's meeting with them last month.
 4. **Revision to Sign Regulations:** The last meeting had less than a quorum, so no action was taken.
 5. **Status of "Modern Tire" Appeal:** As I reported at the last meeting, Superior Court Judge William Mottolese has ruled that "certain sections of the regulations are invalid," but he went on to say that "the remainder of the regulations can operate effectively without the invalid provisions." The Town Attorney told me that he will have something for the TPZ to review at the next meeting.

cc:
file

Phone: (860) 665-8575 Fax: (860) 665-8577
cminor@newingtonct.gov
www.newingtonct.gov